

14 PETITION FOR SPECIAL HEARING 88-189-SPH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the continuation of the two (2) existing illuminated 12' x 25' outdoor advertising signs located in a D.R. 2 Zone as a non-conforming use.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Lessee: Patrick Media Group, Inc.
Type or Print Name: Barry Freedman
Signature: Barry Freedman
Address: 3001 Remington Avenue
City and State: Baltimore, Maryland 21211

Legal Owner(s): Vernon Bush
Type or Print Name: Vernon Bush
Signature: Vernon Bush
Address: N/S Frederick Rd., 175' E of Oella Ave.
City and State: Baltimore, Maryland 21201

Attorney for Petitioner: M. Albert Figinski, Esquire
Type or Print Name: M. Albert Figinski, Esquire
Signature: M. Albert Figinski, Esquire
Address: 36 S. Charles St. - Suite 200
City and State: Baltimore, Maryland 21201

Attorney's Telephone No.: 332-8520

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of September, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of November, 1987, at 2:00 o'clock p.m.

M. Albert Figinski, Esquire
Stuart R. Berger, Esquire
36 S. Charles Street, Suite 200
Baltimore, Maryland 21201

RE: Petition for Special Hearing
N/S Frederick Road, 175' E of c/l of Oella Avenue
1st Election District; 1st Councilmanic District
Very truly yours,
Case 88-189-SPH

Dear Mr. Figinski and Berger:

Enclosed please find the decision rendered in the above-referenced case. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:bjs
Enclosures
cc: Mr. Barry Freedman
Penn Advertising, 3001 Remington Avenue, Baltimore, Maryland 21211
People's Counsel

IN RE: PETITION FOR SPECIAL HEARING *
N/S Frederick Road, 175' E *
of c/l of Oella Avenue *
1st Election District *
1st Councilmanic District *

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-189-SPH

Vernon Bush -
Petitioner

The Petitioner herein requests a special hearing to approve the non-conforming use of two (2) existing illuminated 12' x 25' outdoor advertising signs located in a D.R. 2 zone, as more particularly described herein.

The Petitioner, Vernon Bush, and Penn Advertising, Contract Lessee by Barry Freedman, appeared, testified and were represented by Counsel. By oral motion, Penn Advertising was substituted as Contract Lessee. Penn Advertising purchased Patrick Media Group, Inc., the original Contract Lessee since the filing of the Petition. Also appearing on behalf of the Petition was Ethel V. McCauley. There were no Protestants.

Mr. Bush testified that he was born and raised in the Catonsville/Oella area. He further testified that the subject signs have been located on the lot at the corner of Oella Avenue and Frederick Road, as shown on Petitioner's Exhibit 1, since at least 1922. Mr. Bush testified that he passed the signs on a regular basis in 1922 when he delivered ice in the area. Mr. Bush further indicated that although he has had a residence in Severna Park since 1965, he still owns numerous pieces of property in the Catonsville/Oella area and drives by the subject property almost on a daily basis. Mr. Bush stated that the two signs are of the same size and in the same location as they were in 1922 and have been in place continuously and without interruption since 1922.

Ms. Ethel McCauley testified she is 72 years of age and that her family moved to Oella in the 1920's. She testified that to the best of her recollection, the two signs have been at the present location since the 1920's. (See

PROPERTY DESCRIPTION
BEGINNING AT A POINT LOCATED ON THE NORTH SIDE OF FREDERICK ROAD (60 FEET WIDE), 175 FEET EAST OF THE CENTERLINE OF OELLA AVENUE (40 FEET WIDE) AND 34 FEET FROM THE CENTERLINE OF FREDERICK ROAD AND THENCE RUNNING THE FOLLOWING COURSES AND DISTANCES: 1) NORTHEASTERLY AND AT A RIGHT ANGLE TO FREDERICK ROAD A DISTANCE OF 55 FEET TO A POINT, THENCE 2) SOUTHEASTERLY AND AT A RIGHT ANGLE A DISTANCE OF 15 FEET TO A POINT, THENCE 3) SOUTHWESTERLY AND AT A RIGHT ANGLE A DISTANCE OF 55 FEET TO A POINT, THENCE 4) NORTHWESTERLY AND AT A RIGHT ANGLE A DISTANCE OF 15 FEET TO THE BEGINNING POINT.

CERTIFICATE OF POSTING 88-189-SPH
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: October 31, 1987
Posted for: Special Hearing
Petitioner: Vernon Bush
Location of property: N/S Frederick Rd., 175' E of Oella Ave.
Location of Signs: N/S Frederick Rd., approx. 180' E of Oella Ave.
Remarks:
Posted by: S.J. Grata Date of return: November 1, 1987
Number of Signs: 2

Petitioner's Exhibit 5.) Introduced as Petitioner's Exhibit 6 was the affidavit of Robert Biddinger who stated that "I, Robert Biddinger, do personally state and have first-hand knowledge of the fact that the signs located on the lot at Frederick and Oella Avenues have been there since the early 1920's."

In further support of the Petition, Penn Advertising introduced as Petitioner's Exhibit 4 a copy of the business record of Penn's predecessor in interest, specifically, a ledger sheet showing that checks were issued to the then property owner of an annual sum for placement of two panels at the northeast corner of Frederick Road and Palmer Avenue for the period from June 1929 to June 1934. Mr. Bush testified that Palmer Avenue is now known as Oella Avenue.

The Petitioner and Contract Lessee testified that they were not aware of the Petition for Special Permit filed regarding the subject property in March 1955, Case No. 3436. Said Petition shows two existing signs and requests permission to erect one double-faced 12' x 25' illuminated poster panel on the north side of Frederick Road, approximately 175' east of the intersection of Oella Avenue. The request was denied. The placement of the two existing signs on that plat is different than what is shown on the Petitioner's Plat in this case.

Following examination of the witnesses, the Deputy Zoning Commissioner is of the opinion that Mr. Bush is a credible witness and his recollection that the two signs have existed on the property since the 1920's is accurate and the plat attached to Case No. 3436 may have been incorrect.

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the two 12' x 25' illuminated signs have existed on the property since prior to the 1945 zoning regulations and are a legal, nonconforming use.

PETITION FOR SPECIAL HEARING
1st Election District - 1st Councilmanic District
Case No. 88-189-SPH

LOCATION: North Side of Frederick Road, 175 feet East of Oella Avenue
DATE AND TIME: Wednesday, November 18, 1987, at 2:00 p.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to approve the continuation of the two existing illuminated 12 foot by 25 foot outdoor advertising signs located in a D.R. 2 Zone as a nonconforming use

Being the property of Vernon Bush, as shown on plat filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 9th day of December, 1987 that the non-conforming use of two (2) existing illuminated 12' x 25' outdoor advertising signs located in a D.R. 2 zone, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

88-189-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 27th day of September, 1987.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: Vernon Bush Received by: James F. Haines
Petitioner's Attorney: Albert Figinski, Esquire, et al Chairman, Planning Plans Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

July 28, 1987

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Vernon Bush
Location: N/S Frederick Road, 175' E. c/l Oella Avenue
Item No.: 14 Zoning Agenda: Meeting of 6/21/87
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/



**Maryland Department of Transportation
State Highway Administration**

RICHARD H. TRINOR
Secretary
HAL KASSOFF
Administrator

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James E. Dyer

August 6, 1987

RE: Baltimore County
Item #14
Property Owner: Vernon
Bush
Location: N/S Frederick
Road, Maryland Route 144
175' E centerline
Oella Avenue
Existing Zoning: D.R. 2
Proposed Zoning: Special
Hearing to approve the
continuance of the 2'
existing illuminated 12'
x 25' outdoor advertising
signs, as a non-conforming
use
Area: 15 x 55'
District 1st

Very truly yours,

John Meyers
John Meyers-Assistant
Bureau Chief-Engineering
Access Permits

by: George Wittman

JM-GW/es

cc: Morris Stein w/att.

My telephone number 1233-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 562-0451 D.C. Metro - 1-800-422-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines, Zoning Commissioner
Date: October 22, 1987
FROM: Mr. Norman E. Gerber, AICP, Director
Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 88-166-SPH, 88-189-SPH

In view of the subject of this hearing, this office
offers no comment.

Norman E. Gerber
Norman E. Gerber, AICP, Director
Office of Planning and Zoning

NEG/JH/jat
cc: Ma. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
OCT 28 1987
ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 4, 1987

COUNTY OFFICE BLDG.
113 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS
Bureau of Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Albert Figinski, Esquire
Stuart R. Berger, Esquire
36 South Charles Street, Suite 200
Baltimore, Maryland 21201

RE: Item No. 14 - Case No. 88-189-SPH
Petitioner: Vernon Bush
Petition for Special Hearing

Dear Messrs. Figinski and Berger:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

CHECK NO.	DATE	FROM	TO	AMOUNT	CHECK NO.	DATE	FROM	TO	AMOUNT
1217	1-27-1987	105-1229	105-1229	20					
1218	1-27-1987	105-1229	105-1229	20					
1219	1-27-1987	105-1229	105-1229	20					
1220	1-27-1987	105-1229	105-1229	20					
1221	1-27-1987	105-1229	105-1229	20					
1222	1-27-1987	105-1229	105-1229	20					
1223	1-27-1987	105-1229	105-1229	20					
1224	1-27-1987	105-1229	105-1229	20					
1225	1-27-1987	105-1229	105-1229	20					
1226	1-27-1987	105-1229	105-1229	20					
1227	1-27-1987	105-1229	105-1229	20					
1228	1-27-1987	105-1229	105-1229	20					
1229	1-27-1987	105-1229	105-1229	20					
1230	1-27-1987	105-1229	105-1229	20					
1231	1-27-1987	105-1229	105-1229	20					
1232	1-27-1987	105-1229	105-1229	20					
1233	1-27-1987	105-1229	105-1229	20					
1234	1-27-1987	105-1229	105-1229	20					
1235	1-27-1987	105-1229	105-1229	20					
1236	1-27-1987	105-1229	105-1229	20					
1237	1-27-1987	105-1229	105-1229	20					
1238	1-27-1987	105-1229	105-1229	20					
1239	1-27-1987	105-1229	105-1229	20					
1240	1-27-1987	105-1229	105-1229	20					
1241	1-27-1987	105-1229	105-1229	20					
1242	1-27-1987	105-1229	105-1229	20					
1243	1-27-1987	105-1229	105-1229	20					
1244	1-27-1987	105-1229	105-1229	20					
1245	1-27-1987	105-1229	105-1229	20					
1246	1-27-1987	105-1229	105-1229	20					
1247	1-27-1987	105-1229	105-1229	20					
1248	1-27-1987	105-1229	105-1229	20					
1249	1-27-1987	105-1229	105-1229	20					
1250	1-27-1987	105-1229	105-1229	20					
1251	1-27-1987	105-1229	105-1229	20					
1252	1-27-1987	105-1229	105-1229	20					
1253	1-27-1987	105-1229	105-1229	20					
1254	1-27-1987	105-1229	105-1229	20					
1255	1-27-1987	105-1229	105-1229	20					
1256	1-27-1987	105-1229	105-1229	20					
1257	1-27-1987	105-1229	105-1229	20					
1258	1-27-1987	105-1229	105-1229	20					
1259	1-27-1987	105-1229	105-1229	20					
1260	1-27-1987	105-1229	105-1229	20					
1261	1-27-1987	105-1229	105-1229	20					
1262	1-27-1987	105-1229	105-1229	20					
1263	1-27-1987	105-1229	105-1229	20					
1264	1-27-1987	105-1229	105-1229	20					
1265	1-27-1987	105-1229	105-1229	20					
1266	1-27-1987	105-1229	105-1229	20					
1267	1-27-1987	105-1229	105-1229	20					
1268	1-27-1987	105-1229	105-1229	20					
1269	1-27-1987	105-1229	105-1229	20					
1270	1-27-1987	105-1229	105-1229	20					
1271	1-27-1987	105-1229	105-1229	20					
1272	1-27-1987	105-1229	105-1229	20					
1273	1-27-1987	105-1229	105-1229	20					
1274	1-27-1987	105-1229	105-1229	20					
1275	1-27-1987	105-1229	105-1229	20					
1276	1-27-1987	105-1229	105-1229	20					
1277	1-27-1987	105-1229	105-1229	20					
1278	1-27-1987	105-1229	105-1229	20					
1279	1-27-1987	105-1229	105-1229	20					
1280	1-27-1987	105-1229	105-1229	20					
1281	1-27-1987	105-1229	105-1229	20					
1282	1-27-1987	105-1229	105-1229	20					
1283	1-27-1987	105-1229	105-1229	20					
1284	1-27-1987	105-1229	105-1229	20					
1285	1-27-1987	105-1229	105-1229	20					
1286	1-27-1987	105-1229	105-1229	20					
1287	1-27-1987	105-1229	105-1229	20					
1288	1-27-1987	105-1229	105-1229	20					
1289	1-27-1987	105-1229	105-1229	20					
1290	1-27-1987	105-1229	105-1229	20					
1291	1-27-1987	105-1229	105-1229	20					
1292	1-27-1987	105-1229	105-1229	20					
1293	1-27-1987	105-1229	105-1229	20					
1294	1-27-1987	105-1229	105-1229	20					
1295	1-27-1987	105-1229	105-1229	20					
1296	1-27-1987	105-1229	105-1229	20					
1297	1-27-1987	105-1229	105-1229	20					
1298	1-27-1987	105-1229	105-1229	20					
1299	1-27-1987	105-1229	105-1229	20					
1300	1-27-1987	105-1229	105-1229	20					

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 45695

DATE 11-24-87 ACCOUNT 105-1229

AMOUNT \$ 20.00

RECEIVED FROM *James E. Dyer*

FOR *105-1229*

VALIDATION OR SIGNATURE OF CASHIER

**PETITIONER'S
EXHIBIT 4 B**

TO WHOM IT MAY CONCERN:

This is to certify that I, Ethel McCauley, being a resident of Oella all my life, do personally state and have personal first-hand knowledge of the fact that the signs located on the lot at Frederick and Oella Avenues have been there since the early 1920's.

Ethel McCauley
Ethel McCauley
2401 Westchester Avenue
Ellicott City, Maryland 21043

Personally appeared before me Ethel McCauley,
Petty L. Palmer, Notary Public
Petty L. Palmer

**PETITIONER'S
EXHIBIT 5**

TO WHOM IS MAY CONCERN:

This is to certify that I, Robert Biddinger

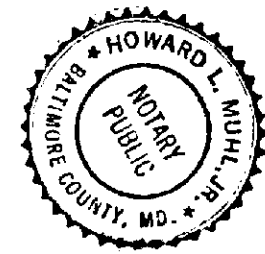
do personally state and have first-hand knowledge of the fact that the signs located on the lot at Frederick and Oella Avenues have been there since the early 1920's.

Robert Biddinger
Robert Biddinger

State of Maryland, County of Baltimore:

On this 17th day of June, 1987, before me personally appeared, Robert Biddinger, and made oath in due form of law that the above statement is true.

In Witness Whereof, I have hereunto set my hand and official seal.



Howard M. Muller
Howard M. Muller
Notary Public

My Commission Expires:

**PETITIONER'S
EXHIBIT 6**

**LAW OFFICES OF
MELNICOVE, KAUFMAN, WEINER, SMOUSE & GABIS, P.A.**

JOSEPH B. KAUFMAN
FRANKLIN GOLDSTEIN
ROBERT E. GABIS
AROLD W. WEINER
THEODORE W. SMOUSE
MICHAEL L. GABIS
STEPHEN C. SMOUSE
ANDREW D. SMOUSE
ROBERT C. SMOUSE
STEPHEN B. SMOUSE
PRINCE D. SMOUSE
PHILIP H. SMOUSE
OF COUNSEL:
DAVID P. QUINN
HAROLD W. SMOUSE
RENECH H. SMOUSE
ALAN J. SMOUSE
ALEX H. SMOUSE
JIM C. SMOUSE
PAUL H. SMOUSE
36 SOUTH CHARLES STREET
SIXTH FLOOR
BALTIMORE, MARYLAND 21201 3060
BALTIMORE (301) 332-8800
WASHINGTON (202) 726-8008
FAX (301) 332-8804
TELEX (301) 332-8804
(WRITER'S DIRECT DIAL NO.)
332-8562
November 20, 1987

Ms. Ann M. Nastarowicz
Deputy Zoning Commissioner
County Office Building
Room 113
111 W. Chesapeake Avenue
Baltimore, Maryland 21204

Re: Petition for Special Hearing-Vernon Bush,
Petitioner
Case No: 88-189-SPH

Dear Deputy Commissioner Nastarowicz:

At the conclusion of the hearing conducted on November 18, 1987, you advised us that you would stay a decision on this matter for ten (10) days in an effort to allow the Petitioner time to present additional facts regarding the existence of an outdoor advertising sign between 1929-1955 at the north side of Frederick Road and Oella Avenue. Accordingly, I am enclosing herewith a Lease Agreement dated August 31, 1946 between The Morton Outdoor Advertising Company and Adolphus Holtman. As Mr. Freedman testified, The Morton Outdoor Advertising Company was the predecessor to the entity currently known as Penn Advertising of Baltimore, Inc. Indeed, the address on the Lease Agreement, i.e. 3001 Remington Avenue, is the current address of Penn Advertising.

RECEIVED
NOV 23 1987
ZONING OFFICE

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

J. ROBERT HAINES
ZONING COMMISSIONER

Mr. Albert Figinski, Esq.
36 S. Charles St., Suite 200
Bach, Md. 88-189-SPH

Pet for Special Hearing
N/S Frederick Rd. 175' E. C/L
4 Oella Ave
1st E.D. 1st C.D.
88-189-SPH

This is to advise you that \$89.38 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:med

Typed copy sent 11/2/87